

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of December 22, 2008.

Claims 35–50 are pending in the application. Claims 41, 44, 45, and 50 have been withdrawn from consideration as being drawn to a non-elected invention. Claims 35, 36 and 41 have been amended. No amendment to the specification has been made.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 35–39, 42, 43, 46 and 48 stand rejected under 35 U.S.C. §102(e) as being anticipated by Wright et al. (US 6,431,996; “Wright”).

Claims 35–39, 42, 43, 46 and 48 stand rejected under 35 U.S.C. §102(e) as being anticipated by Monette (US 5,683,308).

Applicant has amended claim 35 to recite that the active elements have centers, wherein the centers of the active elements are arranged between the first end and the second end at uniformly spaced locations, with a spacing between the centers of the active elements and between a center of the active elements and an adjacent end, following a harmonic series $1/n$. (Emphasis added).

The amendments to claim 35 follow the observation of the examiner, that claim 35 may be narrowed by reciting more succinctly the location of the centers, which is not explicitly shown by Wright.

The examiner has cited Monette (US 5,683,308) as also anticipating claim 35. However, while Monette discloses uniform spacing (reference symbol 54) between the centers of the various active elements 14, Monette does not specify that the spacing between the centers of the active elements and an adjacent end also follows a harmonic series $1/n$, as presently claimed in claim 35. (Emphasis added). Accordingly, Monette does not anticipate claim 35.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 47 and 49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wright in view of Yamagushi (US 4,928,965).

Claims 47 and 49 depend from claim 35. Wright has been discussed *supra* as failing to disclose all the limitations of amended claim 35. Yamagushi discloses the design of a golf club head so that the mechanical impedance of the club head is at a minimum at a frequency where the ball to be struck also has a minimum impedance. However, Yamagushi does not address the design of the actuating part.

Accordingly, because Wright, Monette and Yamagushi, taken alone or in combination, do not teach or suggest at least the specific arrangement of the actuating elements along the actuating part as a harmonic series, amended claim 35 is patentable over the art of record. Claims 36–40, 43, and 46–49, which depend from claim 35, are then also patentable for at least the reasons that claim 35 is patentable.

Withdrawal of all rejections and allowance of all pending claims is respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in immediate conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly

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appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

Date: June 22, 2009
708 Third Avenue
Suite 1501
New York, N.Y. 10017
(212) 244-5500
HMF/WS:af